

REMARKS

Claims 1 - 23 remain active in this application. Claims 1 and 18 have been amended for emphasis. Support for the amendments of the claims is found throughout the application, particularly on page 17, lines 2 - 20. No new matter has been introduced into the application.

This amendment and Request for Continued Examination is in response to the *eight*th official action in this application and this application has now been pending for *more than eight and one-half* years. Accordingly, Supervisory review is respectfully requested under the provisions of M.P.E.P. §707.02.

Claims 1, 7 - 11, 13 - 18 and 22 have again been rejected under 35 U.S.C. §103 as being unpatentable over Ritter in view of Citta and Martinez (newly cited). Claims 2, 4 - 5, 12 and 23 have again been rejected under 35 U.S.C. §103 as being unpatentable over Ritter in view of Citta, Martinez and Sullivan. Claim 3 has again been rejected under 35 U.S.C. §103 as being unpatentable over Ritter in view of Citta, Martinez, Sullivan and Ortel. Claim 6 Has again been rejected under 35 U.S.C. §103 as being unpatentable over Ritter in view of Citta, Martinez and LoGalbo et al. Claims 19 - 21 Have again been rejected under 35 U.S.C. §103 as being unpatentable over Ritter in view of Citta, Martinez and Ortel. All five of these grounds of rejection are respectfully traversed for the reasons made of record in previous responses, and the response filed March 7, 2008, in particular, which are hereby fully incorporated by reference, and the further remarks provided below and particularly as being moot in view of the amendments made above which emphasize the distinctions of the invention from the prior art already recited in the claims.

The combination of Ritter, Citta and Martinez are common to all of the grounds of rejection currently asserted against the claims. The examiner admits that the combination of teachings and suggestions of Ritter and Citta are insufficient to support a conclusion of obviousness particularly since Ritter and Citta are interrogator/responder systems which require downstream signaling to provide interrogation signals and thus have no need to identify a transmitter of an upstream signal by *correspondence* of time slots independently generated at a central facility and a termination section in response to a time signal as claimed. However, the Examiner takes the position that Ritter and Citta teach generation of time slots and that Martinez is cited to teach using a reference signal source external to the central facility and the termination section for synchronization of both the central facility and the termination section.

It is again respectfully pointed out that the time slots of Ritter and Citta cannot correspond to the time slots of the present invention "as determined by said time base at said central facility including a time slot corresponding to said time slot as determined by said time base at said termination section of said communication path" (claim 1) or "identifying a terminal unit in accordance with said sequence of tones at a central facility and synchronized with said time slots" and there is no need for such correspondence or identification simply *because* both Ritter and Citta are interrogator/responder systems. By the same token, there is no need for synchronization to provide and maintain such a correspondence of time slots. Thus Ritter and Citta not only fail to answer salient recitations of the claims which support the meritorious functions of the

invention of avoiding a need for downstream signaling to identify the upstream signal transmitter but clearly teach away from the invention and cannot provide motivation for modification to answer the claims.

Martinez does not mitigate these deficiencies of Ritter and Citta but also teaches away from both the invention and combination with Ritter and Citta which the Examiner proposes. Martinez merely teaches using a phase-locked loop referenced to a transmitted *frequency* (as distinct from a "time signal", as claimed) at both a central facility transceiver and remote transceivers to develop local oscillator frequencies that are extremely stable with respect to each other so that numerous narrow-band *frequency*-multiplexed communications may be simultaneously conducted within a limited bandwidth (see column 2, lines 64 - 67 which give an example of "100 or more separate paging and control subchannels may be established on one conventional radio voice channel of 100 KHz bandwidth"). Further, in a manner completely analogous to interrogator/responder systems, identification (I.D.) codes are generated and transmitted "downstream" to *select* the intended receiver rather than *identification* of the transmitter of an "upstream" signal by correspondence of time slots. Moreover, the development of such narrow band, *frequency*-multiplexed signals not only has nothing to do with synchronization of time slots or suggesting modification of the time-slots of Ritter and Citta (if, in fact, the reception periods or bit timings of Ritter and Citta may properly be referred to as such) to correspond to or provide the function recited for the time slots of the invention but is essentially for the purpose of *avoiding* time slots or a need therefor; thus teaching away from the invention and the proposed combination with Ritter and Citta. It

is respectfully submitted that the application of Martinez in such a manner in attempting to supplement the admittedly insufficient teachings and suggestions of Ritter and Citta not only fails to answer the recitations of the claims as currently rejected and, particularly, as now amended but is clearly indicative of the utilization of and reliance upon impermissible hindsight as well as effectively ignoring explicit recitations of the claims. The combination of Ritter, Citta and Martinez simply do not contain teachings or suggestions of providing independently defined time slots at both a central facility and a termination section in response to a broadcast "time signal" that have a correspondence from which a transmitter of an upstream signal (e.g. a termination section or a cable drop) can be uniquely identified.

These deficiencies of the combination of Ritter, Citta and Martinez are not mitigated by Sullivan, Ortel and/or LoGalbo which have been applied to particular dependent claims and the Examiner has not asserted that they are. Reference is made to previously filed responses for a discussion thereof. However, as previously pointed out, these secondary references are also directed to interrogator/responder systems requiring downstream signaling for interrogation and, consequently, having no need (or provision) for establishing corresponding time slots at a central facility and at a termination section for identifying a transmitter of an upstream signal, much less in a manner such that the generation of time slots at the two locations is independent of each other through being responsive to a broadcast "time signal", much less a signal having a "time indicating signal for synchronization of corresponding time slots" as has now been recited in the

claims for emphasizing the difference between a "time signal" and a mere reference frequency whether or not including "time beeps" mentioned by Martinez and discussed in detail in the response filed March 7, 2008.

In summary, it is respectfully submitted that the asserted grounds of rejection are all clearly in error and untenable. The applied prior art not only fails to answer even the "gist" or most basic concept of the invention (thus indicating that the Examiner continues to fail to consider the claimed subject matter as a whole) but clearly fails to provide motivation for the combination of teachings or other modifications thereof while still failing to answer explicit and salient recitations which support the meritorious effects of the invention and being applied in a manner which is clearly indicative of the utilization of impermissible hindsight. Moreover, the combination of Ritter and Citta and the very nature of other interrogator/responder systems to which the remainder of the prior art closely corresponds teach diametrically away from the invention as claimed and, as pointed out above, Martinez, while similar to interrogator/responder system in requiring transmission of identification signals, is cited by the Examiner for teachings which are diametrically contrary to both the distinguishing features of the invention, as claimed, in providing corresponding time slots for identification and consequent signaling reduction but teaches directly away from even the provision of any time slots and the proposed combination with Ritter and Citta in providing for *concurrent, frequency-multiplexed communications*. Accordingly, reconsideration and withdrawal of the currently asserted grounds of rejection are respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

A petition for a three-month extension of time has been made above. A Request for Continued Examination is being concurrently filed. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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